

**PUBLIC EMPLOYMENT RELATIONS COMMISSION**

Street: 603 EVERGREEN PLAZA BUILDING - 711 CAPITOL WAY

Mail: P.O. BOX 40919 OLYMPIA, WASHINGTON 98504-0919  
(360) 753-3444

DO NOT WRITE IN THIS SPACE

**PETITION FOR  
CLARIFICATION OF BARGAINING UNIT****[ ] Amended Petition in Case \_\_\_\_\_ -C- \_\_\_\_\_ - \_\_\_\_\_**

Instructions: See other side of this form.

Applicable Rules: Chapters 10-08, 391-08 and 391-35 WAC.

**1. PARTIES AND RELATIONSHIP** The employer and/or exclusive bargaining representative request a ruling from the Commission to resolve a dispute concerning the scope of the existing bargaining unit.

**a. EMPLOYER**

CONTACT PERSON .....  
 ADDRESS .....  
 CITY/STATE ..... ZIP .....  
 TELEPHONE (.....) ..... EXT. .... FAX (.....) .....

ATTORNEY or .....  
 REPRESENTATIVE .....  
 ADDRESS .....  
 CITY/STATE ..... ZIP .....  
 TELEPHONE (.....) ..... EXT. .... FAX (.....) .....

**b. EMPLOYEE ORGANIZATION**

CONTACT PERSON .....  
 ADDRESS .....  
 CITY/STATE ..... ZIP .....  
 TELEPHONE (.....) ..... EXT. .... FAX (.....) .....

ATTORNEY or .....  
 REPRESENTATIVE .....  
 ADDRESS .....  
 CITY/STATE ..... ZIP .....  
 TELEPHONE (.....) ..... EXT. .... FAX (.....) .....

**c. EMPLOYER'S PRINCIPAL BUSINESS****d. COLLECTIVE BARGAINING AGREEMENT** Indicate:

[ ] The parties have never had a contract; OR  
 [ ] A copy of the parties' current (or most recent) collective bargaining agreement is attached.

**e. STATUS OF NEGOTIATIONS** Indicate:

[ ] The parties have a "closed" contract at this time.  
 [ ] The parties are currently in contract negotiations.

**f. DESCRIPTION OF BARGAINING UNIT** Indicate inclusions/ exclusions, contract page or case/decision number:**g. NUMBER OF EMPLOYEES IN BARGAINING UNIT** .....**h. HISTORY OF RELATIONSHIP** This bargaining relationship has existed since approximately .....**2. IDENTIFICATION OF DISPUTED POSITIONS** For each position, classification or group of employees at issue, list:

TITLE OR DESCRIPTION / NUMBER OF EMPLOYEES   NOW INCLUDED/EXCLUDED   PARTY SEEKING CHANGE   REASON FOR PROPOSED CHANGE

**3. OTHER INTERESTED ORGANIZATIONS** Indicate: [ ] No other organization is known to exist which claims or may claim the employees involved.

[ ] ADDITIONAL SHEETS ARE ATTACHED identifying other employee organizations which claim or may claim to represent the employees involved.

**4. OTHER RELEVANT FACTS** Indicate, if applicable: [ ] Additional information is set forth on separate sheets of paper attached to this petition.**5. AUTHORIZED SIGNATURES** (Petition may be filed by employer, the employee organization, or by those parties jointly)

FOR EMPLOYER		FOR ORGANIZATION	
NAME (PRINT) .....	TITLE .....	NAME (PRINT) .....	TITLE .....
SIGNATURE .....	DATE .....	SIGNATURE .....	DATE .....

## INSTRUCTIONS FOR UNIT CLARIFICATION CASES

- A. APPLICABLE RULES** The Public Employment Relations Commission (PERC) processes unit clarification cases under Chapter 391-35 WAC, Chapter 391-08 WAC and Chapter 10-08 WAC. The rules are available from PERC at (360) 753-3444 or on the web at [www.olywa.net/perc](http://www.olywa.net/perc). Parties should familiarize themselves with all of the rules applicable to their case.
- B. WHO CAN FILE** Unit clarification proceedings can be begun and processed only by the employer or the incumbent exclusive bargaining representative of the bargaining unit being clarified. Individual employees do not have legal standing to file unit clarification cases.
- C. WHEN TO FILE** The petitioner must comply with the following time limitations:
- WAC 391-35-020 Petition--Time for filing.** (1) Disputes concerning status as a "confidential employee" may be filed at any time. (2) Where there is a valid written and signed collective bargaining agreement in effect, a petition for clarification of the covered bargaining unit filed by a party to the collective bargaining agreement will be considered timely only if:
- (a) The petitioner can demonstrate, by specific evidence, substantial changed circumstances during the term of the collective bargaining agreement which warrant a modification of the bargaining unit by inclusion or exclusion of a position or class; or
- (b) The petitioner can demonstrate that, although it signed the current collective bargaining agreement covering the position or class at issue in the unit clarification proceedings:
- (i) It put the other party on notice during negotiations that it would contest the inclusion or exclusion of the position or class via the unit clarification procedure; and
- (ii) It filed the petition for clarification of the existing bargaining unit prior to signing the current collective bargaining agreement.
- (3) Disputes concerning the allocation of employees or positions between two or more bargaining units may be filed at any time.
- D. FORM** Fill in all information called for on the form. If you lack information (such as what representative will be used by a party), insert "Unknown":
- Item 1.a. Employer - Each case must arise out of an employment relationship subject to PERC jurisdiction.
- Item 1.b. Employee Organization must be the exclusive bargaining representative of the bargaining unit in which clarification is sought.
- Item 1.c. Examples are: "City", "County", "School District", "Community College", "Technical College", "University", "Port District".
- Item 1.d. ATTACH the collective bargaining agreement, if one exists (single-sided, unbound documents are preferred).
- Item 1.e. Indicate the status of negotiations involving the organization identified in item 1.b.
- Item 1.f. Describe the bargaining unit by listing the types of employees included and excluded, OR the contract page where the "recognition" clause is found, OR the case number or decision number from the latest PERC certification or unit clarification.
- Item 1.g. Indicate the number of employees in the bargaining unit.
- Item 1.h. Indicate how long the employer and the organization identified in item 1.b have had a bargaining relationship.
- Item 2 Identify the positions in dispute. If more space is needed, ATTACH ADDITIONAL SHEETS with the information.
- Item 3. IF THE PETITIONER KNOWS OF OTHER EMPLOYEE ORGANIZATIONS which claim, or may claim, to represent the employees involved, ATTACH ADDITIONAL SHEETS containing the name(s), address(es), names of principal representative(s) and telephone number(s) of all such organizations.
- E. FILING** Take or send the completed and signed form with all attachments (plus one copy with all attachments) to PERC's Olympia office.
- F. SERVICE** Beginning with the filing of a petition and continuing throughout the proceedings, any party that files any papers with PERC is required to give or send a copy to all other parties to the case. WAC 391-08-120 includes:
- (3) A party which files or submits any papers to the agency shall serve a copy of the papers upon all counsel and representatives of record, and upon all parties not represented by counsel or upon their agents designated by them or by law. Service shall be completed no later than the day of filing or submission under subsection (1) or (2) of this section, by one of the following methods:
- (a) Service may be made personally, and shall be regarded as completed when delivered in the manner provided in RCW 4.28.080;
- (b) Service may be made by first class, registered, or certified mail, and shall be regarded as completed upon deposit in the United States mail properly stamped and addressed.
- (c) Service may be made by telegraph or by commercial parcel delivery company, and shall be regarded as completed when deposited with a telegraph company or parcel delivery company properly addressed and with charges prepaid.
- (d) Service may be made by electronic telefacsimile transmission, and shall be regarded as completed upon production by the telefacsimile device of confirmation of transmission, together with same day mailing of a copy of the papers, postage prepaid and properly addressed, to the person being served.
- On the same day that service of any papers is completed, WAC 391-08-120(4) requires the person who completed the service to either obtain an acknowledgment of service from the person who accepted personal service, or make a certificate stating the date and the approved method of service used by the person signing the certificate.
- G. CASE PROCESSING** Normal case processing includes a hearing before a Hearing Officer. A transcript will be made of the hearing, and parties may file briefs. After all briefs are filed, a written decision containing findings of fact, conclusions of law and an order clarifying the bargaining unit will be issued by the Hearing Officer or the Executive Director and served on the parties. Exceptions include:
- No unit clarification petition will be processed if a question concerning representation exists in that bargaining unit. See: WAC 391-35-110(1). Representation questions involve the certification or decertification of an employee organization as exclusive bargaining representative of an entire bargaining unit. See: Chapter 391-25 WAC and PERC form E-1.
  - Where a unit clarification petition and unfair labor practice complaint are pending at the same time and relate to the same unit determination issue, the parties will be asked to state their views on which case to process while the other is held in abeyance. The cases will NOT be consolidated, because of differences in the legal issues to be decided and the procedures involved. See: WAC 391-35-110(2).